

Dear Sir(s),

I am concerned about allowing the law enforcement agencies to perform network wiretaps. In the first place, it is useful to know who is talking to whom, not what they are saying. My understanding is that Louis Freeh couldn't name one single case where what was said in a wiretap was useful in a case. Knowing who the individual talked to was. That is, good old time tested police methods work the best.

In the second place, the technology exists to encrypt the data that makes up the audio channel. I am fairly confident that encryption could be adapted to any COTS that does phone communications over the internet. I would expect criminals to use such a method. John Gotti for example did his business speaking outside to circumvent listening by the FBI. Once again time tested police methods put Gotti in jail.

In the third place, it would burden the network providers and the personnel required to do such wiretaps. I knew a former C&P telephone employee that said 90% of the phones in the Washington area have been tapped at one time or another. He made that statement in 1988. Some urban legend today is that "eschelon" listens to all phone calls. If it is true it somehow manages to miss a lot, or so it seems.

So to sum it up, this proposal would probably end up hurting only law abiding citizens that would use the technology as it is intended to be used and therefore would allow a wiretap in the first place. That is, most law abiding citizens are just that - law abiding. From time to time they may do something that they don't realize is illegal. I don't want this to turn into a license to monitor all phone traffic and cause people to be afraid to speak. After all, in some other countries saying something negative (non violent) about homosexuals is considered a hate crime. Who knows what group may be protected tomorrow. Could be "the rich", a company, dogs or even politicians. Lets not go down this road. I could see the day where someone in power uses this as a club to hurt the opposition.

If the decision it to go ahead and do it anyhow, limits should be put into place as to not harm companies that provide the communications. This should not be seen as a license to take up lots of floor space, cooling, electric and other resources. A modest simple installation. They should also not be allowed to choke networks with traffic. There should be a rule that if a network becomes saturated to a certain point, the wiretap data gets stored locally until the network has the ability to cope with it. Today this is not a big deal since disk is so cheap. Maybe there should be a provision so that if there is a wiretap that is very important, they can get the feed anyhow. This provision should be limited, otherwise everything will suddenly be very important.

Sincerely,
Robert Thomas